



TSA MANAGEMENT DIRECTIVE No. 1000.8
PAYMENT OF OFFICIAL TRAVEL EXPENSES
BY NON-FEDERAL SOURCES

To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

REVISION: This revised directive supersedes TSA MD 1000.8, *Payment of Official Travel Expenses by Non-Federal Sources*, dated May 5, 2015.

SUMMARY OF CHANGES: Section 5, Responsibilities, added Program Offices and TSA employees; Section 6, Policy, revised to include more detailed guidance in compliance with Federal regulations; Section 7, Procedures, deleted and placed in the new TSA Financial Management Manual Part 2, Chapter 2, Section 4; and added various administrative updates for clarification throughout the directive.

- 1. PURPOSE:** This directive provides TSA policy and procedures for acceptance of payment from non-Federal sources for official travel expenses to attend a meeting or similar function under 31 U.S.C. § 1353.
- 2. SCOPE:** This directive applies to all TSA employees. This directive does not apply to travel reimbursements offered by foreign governments if the travel takes place entirely outside the United States. Travel reimbursement under such circumstances should be considered under the authority of 5 U.S.C. § 7342. It also does not apply to travel related expenses accepted under an authority other than 31 U.S.C. § 1353, such as when TSA seeks and obtains reimbursement for services of security related training and technical assistance provided under 49 U.S.C § 40113(e).
- 3. AUTHORITIES:**
 - A. 5 U.S.C. § 7342 – Foreign Gifts and Decorations Act
 - B. 31 U.S.C. § 1353 – Acceptance of Travel and Related Expenses from Non-Federal Sources
 - C. 41 C.F.R. ch. 304 – Payment of Travel Expenses from a Non-Federal Source
 - D. DHS Financial Management Policy Manual, § 7.12 – Payment of Travel Expenses by Non-Federal Sources (September 30, 2014)
- 4. DEFINITIONS:**
 - A. Meetings or Similar Function (“Meeting”): For the purpose of this MD, refers to a conference, seminar, speaking engagement, symposium, training course, or similar event that takes place away from the employee’s official duty station. “Meeting,” as defined in this directive, does not include a meeting or other event required to carry out an agency’s statutory or regulatory functions (i.e., a function that is essential to an agency’s mission) such as investigations, inspections, audits, site visits, negotiations, or litigation.

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“Meeting” also does not include promotional vendor training or other meetings held for the primary purpose of marketing the non-Federal source products or services, long-term TDY or training travel. A Meeting need not be widely attended for purposes of this directive, and includes, but is not limited to the following:

- (1) An event where the employee will participate as a speaker or panel participant focusing on his/her official duties or on the policies, programs, or operations of the agency.
- (2) A conference, convention, seminar, symposium, or similar event where the primary purpose is to receive training other than promotional vendor training, or to present or exchange substantive information of mutual interest to a number of parties.
- (3) An event where the employee will receive an award or honorary degree, which is in recognition of meritorious public service that is related to the employee’s official duties, and which may be accepted by the employee in compliance with the applicable standards of conduct regulations.

B. Non-Federal Source: Refers to any person or entity other than the Government of the United States. Includes any individual; private or commercial entity; non-profit organization or association; state, local, tribal, or foreign government; tax-exempt organization; or international or multinational organization.

C. Payment: For the purpose of this MD, refers to a monetary payment from a non-Federal source to a Federal agency for travel, subsistence, or related expenses by check or other monetary instrument payable to the Federal agency (*i.e.*, electronic fund transfer, money order, charge card, etc.) or payment in kind.

D. Payment in kind: For the purpose of this MD, refers to transportation, food, lodging, or other travel-related goods or services provided by a non-Federal source instead of monetary payments to the Federal agency. Payment in kind also includes the waiver of any fees that a non-Federal source normally collects from meeting attendees (e.g., registration fees).

5. RESPONSIBILITIES:

A. The Assistant Administrator for the Office of Finance and Administration/ Chief Financial Officer (CFO) is responsible for:

- (1) Determining whether to approve acceptance of the travel benefits from a non-Federal source, and noting that determination on the request.
- (2) Submitting required semi-annual reports, within established timeframes and in consultation with Office of Chief Counsel (OCC), to the Department of Homeland Security (DHS) CFO on travel related payments accepted from non-Federal sources.

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B. The OCC is responsible for:

- (1) Reviewing the request for compliance with the law and for any conflicts of interest.
- (2) Preparing a legal determination of permissibility to the TSA CFO.

C. The Program Offices are responsible for:

- (1) Determining that the travel is in the interest of the Government and relates to the employee's official duties.
- (2) Coordinating with the employee requesting approval to ensure all requirements of this Directive are met.
- (3) Issuing a travel authorization before the travel begins.

D. All TSA employees are responsible for:

- (1) Requesting and obtaining approval **in advance** of travel, with very limited exceptions, when travel-related expenses will be paid by a non-Federal source.
- (2) Complying with all request submission requirements established in this Directive and/or requested by the reviewing official at the time of submission or upon return from travel.

6. POLICY:

A. Offers by a non-Federal source to pay official travel-related expenses for attendance at meetings are considered gifts to TSA. Such offers must be made in writing prior to travel.

- (1) Offers from a foreign government for subsistence expenses incurred while in a foreign country are deemed to be acceptable under the Foreign Gifts and Decorations Act (FGDA), and therefore are not subject to this policy. The FGDA also authorizes an employee to accept gifts of travel or expenses for travel from a foreign government taking place entirely outside of the United States (including transportation, food, and lodging).
- (2) Offers from any non-Federal source (including a foreign government) for transportation to and from the United States for attendance at a meeting are subject to this policy.

B. Employees may not solicit payment for any expenses from a non-Federal source (e.g., initiate discussions as to attendance at meetings on the condition that the non-Federal source pays the travel expenses). However, employees may inform the non-Federal source of TSA's authority to accept payment for travel expenses to attend a meeting or similar function.

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- C. Employees have the authority to accept payment of travel expenses and/or payment in kind from a non-Federal source on behalf of the agency only:
- (1) In connection with travel away from their official duty station to attend meetings as defined in this Directive in their official capacity; and
 - (2) When determined to be legally permissible by OCC **and** authorized by the CFO as annotated on TSA Form 1004, *Request to Accept Payment of Travel Expenses from a Non-Federal Source*.
 - (a) In making this determination, OCC will consider all relevant factors, including but not limited to:
 - (i) The identity of the non-Federal source;
 - (ii) The purpose of the meeting or similar function;
 - (iii) The identity of other expected participants;
 - (iv) The nature and sensitivity of any matter pending before TSA that affects the interests of the non-Federal source;
 - (v) The significance of the employee's role in any such matter; and
 - (vi) The monetary value and character of the travel benefits offered by the non-Federal source.
 - (b) Payment from a non-Federal source will not be accepted if TSA determines that acceptance under the circumstances would cause a reasonable person with knowledge of all of the facts relevant to a particular case to question the integrity of agency programs or operations.
 - (c) While acceptance of payment from the non-Federal source may be deemed permissible, it may be determined to be in the best interest of the Agency to qualify acceptance of the offered payment.
 - (d) Authorization to accept payment from a non-Federal source must be obtained from the CFO in advance of travel.
 - (e) There is a limited exception to this prior-approval requirement, which provides that travel expenses may be accepted only when all of the following apply:
 - (i) Pre-approved travel (paid for in part by a non-Federal source) has commenced;
 - (ii) The same non-Federal source offers to pay for additional travel expenses for the same trip;

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- (iii) The expenses are comparable in value to those offered to or purchased by other individuals attending the meeting in a similar capacity;
- (iv) The expenses are within the maximum allowances stated on the travel authorization;
- (v) The employee requests approval from the agency within 7 business days after the trip ends.

NOTE: Before accepting travel benefits, the employee should check with his or her supervisor.

- (f) Additional exceptions to the prior-approval requirement may be granted in the rare case for an employee who was unable to timely file for approval due to reasons beyond his or her control (e.g., an employee who was very ill or assisting an ill relative).
- (g) There are no exceptions for travel that has commenced without approval to accept payment from a non-Federal source. Offers to pay for travel expenses related to such travel may not be accepted.

NOTE: This does not include travel that commences while a previously submitted request is pending approval. In those cases, payment may still be accepted if ultimately recommended and authorized by the CFO.

- D. Payments may not be received under this authority for travel related to carrying out TSA's regulatory functions such as investigations, inspections, audits, site visits, or litigation.
- E. Employees may not accept direct cash payments from a non-Federal source; all monetary payments must be made payable to TSA or the United States Government.
- F. TSA may accept payment from more than one non-Federal source for a single trip as long as the total of such payments does not exceed the total cost of the trip.
- G. TSA may accept payment for an accompanying spouse only if the spouse will be attending the same meeting, his or her attendance is deemed to be in the interest of TSA, and authorization is received in addition to the employee's authorization as stated in this Directive. To receive authorization, the employee must demonstrate that the spouse's presence at the meeting or similar function will:
 - (1) Support the agency's mission or will substantially assist the traveling employee in the performance of his or her duties;
 - (2) Be for the purpose of attending a ceremony where the employee will receive an award or honorary degree; or

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- (3) Be for the purpose of participation in substantive programs related to TSA's missions or operations.
- H. If an employee accepts travel or subsistence payments, whether in kind or otherwise, from a non-Federal source in violation of applicable statutes or this directive, the employee will be required to reimburse the non-Federal source for the fair market value of the travel related expenses accepted. In addition, the employee may not be reimbursed by the Government for such expenses. Other penalties, including adverse personnel action, may apply.
- I. To obtain approval, the employee should submit a request to OCC as soon as possible, but no later than two weeks prior to the first day for which the employee will receive benefits from the non-Federal source(s). Requests submitted less than two weeks prior to the first day for which the employee is requesting benefits to be paid by the non-Federal source may be considered, but may also be denied by OCC and/or the CFO. Requests must include:
 - (1) TSA Form 1004, *Request to Accept Payment of Travel Expenses from a Non-Federal Source*.
 - (2) Written offer from the non-Federal Source.
 - (3) Travel itinerary.
 - (4) Complete agenda of events.
 - (5) Any other available and relevant information about the non-Federal Source and the event.

7. PROCEDURES:

All procedures are addressed in TSA's Financial Management Manual, Part 2, Chapter 2, Section 4, *Non-Federal Source Travel*.

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- 8. EFFECTIVE DATE AND IMPLEMENTATION:** This policy is approved and effective the date of signature unless otherwise specified.

APPROVAL

Signed

September 12, 2017

Pat A. Rose, Jr.
Assistant Administrator/Chief Financial and
Administrative Officer
Finance and Administration

Date

EFFECTIVE

Date

Distribution: Assistant Administrators and equivalents, Managers and
Supervisors, BMO Directors and MD POCs
Point-of-Contact: FMD Financial Policy and Travel Branch,
TSAFinancialPolicy@tsa.dhs.gov